



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,147	10/15/2001	Sridatta Viswanath	SUN-P6514NP US/NC	6184
35690	7590	08/29/2006	EXAMINER	
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. 700 LAVACA, SUITE 800 AUSTIN, TX 78701			HAQ, NAEEM U	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/981,147		VISWANATH, SRIDATTA	
	Examiner		Art Unit	
	Naeem Haq		3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s), _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-17, 19-24, 26, and 27 is/are rejected.
- 7) ☒ Claim(s) 8, 18 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, filed August 2, 2006, with respect to the previous Office Action have been fully considered and are persuasive. The finality of the previous Office Action has been withdrawn.

Claim Objections

Claim 6 is objected to under 37 CFR 1.75(c), ~~as being of improper dependent~~ form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. This claim appears to be a dependent claim; however, it does not state which previously recited claim it is dependent upon.

Allowable Subject Matter

Claims 8, 18, and 25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claims 1, 4, 11, and 21: These claims recite the limitation "line group data structure". It is unclear to the Examiner what this limitation means or how it differs from any other data structure. The Applicant's specification appears to disclose that this term refers to a list of purchase orders (see Figure 2, "208"; see specification pages 13 and 14). For examination purposes, the Examiner will treat this limitation as a list of purchase orders.

Referring to claims 2 and 12: These claims recite the limitation "order header data structure". It is unclear to the Examiner what this limitation means or how it differs from any other data structure.

Referring to claims 4, 14, and 22: These claims recite the limitation "host purchase order". It is unclear to the Examiner what this limitation means or how it differs from a purchase order.

Referring claim 6: This fails to recite which previously recited claim it is dependent upon. Therefore, the scope of the claim is unclear to the Examiner. For examination purposes, the Examiner will assume this claim is dependent upon claim 1.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 5, 7, 10-12, 15, 17, 20, 21, 23, 24, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Shoquist et al. (US 5,361,199) ("Shoquist").

Referring to claim 1: Shoquist teaches a method for generating purchase orders in a computer implemented procurement system, comprising:

Accessing a user modifiable configuration file comprising a selected list of criteria on which line items ~~are to be sorted into purchase orders and modifying the selected list~~ of criteria in response to the user input (Figure 5; col. 5, lines 56-62). The Applicant's specification discloses that a "user modifiable configuration file" is a window that allows a user to select the criteria used for sorting (see Figure 2, "206"; page 13, line 16 – page 14, line 7). Shoquist teaches a similar window in Figure 5 called "RP WorkList Sort Options" that allows a user to select and modify the criteria used for sorting. Shoquist also teaches traversing a list of line items associated with a requisition, each line item comprising an item description and criteria data (Figures 4 and 5; col. 5, lines 51-62), and automatically grouping said line items of said list into purchase orders wherein all items of a given purchase order have matching criteria data with respect to any criteria of said modified list of criteria (Figure 13; col. 7, lines 19-23); sorting results of said grouping into a line group data structure that is mapped to said requisition (Figures 14 and 15); generating separate purchase orders according to said line group data structure (Figure 18A "Send PO to Supplier").

Referring to claim 2: Shoquist teaches all the limitations of claim 1 as noted above. Furthermore, Shoquist provides a mapping between said requisition and said line group data structure. Shoquist shows a PO number is associated with (i.e. mapped to) a RP number (Figure 16).

Referring to claim 5: Shoquist teaches all the limitations of claim 1 as noted above. Furthermore, Shoquist teaches that the modified list of criteria is selected from the group comprising: supplier name (Figure 5, "Assigned Supplier" and "Selected Supplier").

Referring to claim 7: Shoquist teaches all the limitations of claim 1 as noted above. Furthermore, Shoquist teaches approving said separate purchase orders (Figure 18A, "Send for Approval").

Referring to claim 10: Shoquist teaches all the limitations of claim 1 as noted above. Furthermore, Shoquist teaches allowing a user to modify said user modifiable configuration file to alter said selected list of criteria (Figure 5, "RP WorkList Sort Options").

Referring to claims 11 and 21: Claims 11 and 21 are rejected under the same rationale as set forth above in claim 1.

Referring to claim 12: Claim 12 is rejected under the same rationale as set forth above in claim 2.

Referring to claims 15 and 23: Claims 15 and 23 are rejected under the same rationale as set forth above in claim 5.

Referring to claims 17 and 24: Claims 17 and 24 are rejected under the same rationale as set forth above in claim 7

Referring to claims 20 and 27: Claims 20 and 27 are rejected under the same rationale as set forth above in claim 10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 13, 14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoquist et al. (US 5,361,199) ("Shoquist").

Referring to claim 3: Shoquist teaches all the limitations of claim 1 as noted above. Shoquist does not teach that the requisition is represented via an electronic shopping cart. However, the Examiner notes that this limitation is not functionally involved in the steps of the recited method. Therefore this limitation is deemed to be nonfunctional descriptive material. The steps of recited method would be the same regardless of how the requisition was represented. The difference between the content of the Applicant's invention and the prior art is merely subjective. Thus this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994)

Art Unit: 3625

also see MPEP 2106. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to represent the requisition of Shoquist in any manner because such representation does not functionally relate to the steps of the claimed method and because the subjective interpretation of information does not patentably distinguish the claimed invention.

Referring to claim 4: Shoquist teaches all the limitations of claim 1 as noted above. Shoquist does not teach that the line group data structure comprises a host purchase order item which includes all of said line items of said requisition. However, the Applicant's specification states, "A host PQ is a dummy line_group object created for every requisition." (see specification page 14, lines 11 and 12). Therefore this limitation is deemed to be nonfunctional descriptive material because a "dummy" object has no functional relationship to the recited method. The steps of recited method would be the same regardless what "dummy" objects the group line data structure comprised. Thus the difference between the content of the Applicant's invention and the prior art is merely subjective. Thus this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994) also see MPEP 2106. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have any "dummy" object in the invention of Shoquist because such objects do not functionally relate to the steps of the claimed method and because the subjective interpretation of information does not patentably distinguish the claimed invention.

Referring to claim 13: Claim 13 is rejected under the same rationale as set forth above in claim 3.

Referring to claims 14 and 22: Claims 14 and 22 are rejected under the same rationale as set forth above in claim 4.

Claims 6 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Shoquist et al. (US 5,361,199) ("Shoquist") in view of Johnson et al. (US 6,023,683) ("Johnson").

Referring to claim 6: Shoquist teaches all the limitations of claim 1 as noted above. Shoquist does not teach ~~generating the requisition by performing electronic~~ commerce to add items to the requisition which generates the list of line items. However, Johnson teaches a system and method for electronic sourcing that generates a requisition by performing electronic commerce to add items to a requisition which generates the list of line items (col. 2, lines 47-56). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Johnson in the invention of the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to allow a user to search a database of catalog items contain in at least two vendor product catalogs, selecting particular items located, and transfer information about the items selected to a requisition, as taught by Johnson (col. 2, lines 38-44).

Referring to claim 16: Claim 16 is rejected under the same rationale as set forth above in claim 6.

Art Unit: 3625

Claims 9, 19, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoquist et al. (US 5,361,199) ("Shoquist") in view of Official Notice.

Referring to claim 9: Shoquist teaches all the limitations of claim 1 as noted above. Shoquist does not teach sending a purchase order in an outbound route to a supplier via an Internet network. However, Official Notice is taken that it is old and well known in the art to send a supplier a purchase order in an outbound route via an Internet network. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to reduce the cost of sending a purchase order document to a supplier.

Referring to claims 19 and 26: Claims 19 and 26 are rejected under the same rationale as set forth above in claim 9.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571)-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Naeem Haq', with a stylized, flowing script.

Naeem Haq, Primary Examiner
Art Unit 3625

August 24, 2006